

1 ERSKINE & TULLEY
 2 A PROFESSIONAL CORPORATION
 3 MICHAEL J. CARROLL (St. Bar #50246)
 220 Montgomery Street, Suite 303
 San Francisco, CA 94104
 Telephone: (415) 392-5431

4 Attorneys for Plaintiff

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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12 BOARD OF TRUSTEES OF THE NORTHERN)	NO. C 07 3207 JL
CALIFORNIA FLOOR COVERING, et al.)	DECLARATION OF ATTORNEY
)	MICHAEL J. CARROLL IN
13 Plaintiff,)	SUPPORT OF PLAINTIFF'S
)	EX PARTE APPLICATION FOR
14 vs.)	ORDER TO CONTINUE CASE
15 BEVIL'S FLOOR SERVICE, INC., a)	MANAGEMENT CONFERENCE
California corporation)	
)	
16 Defendant.)	
)	

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18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,
 20 A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES
 21 OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY WELFARE FUND; STEVE
 22 HAVENS, TRUSTEE, in this action. I am duly admitted to practice law
 23 in the United States District Court, Northern District of California.
 24 If called as a witness, I could and would competently testify as
 25 follows:

26 2. Service was accomplished upon the only party in this
 27 case on July 9, 2007. No responsive pleading was filed.

28 3. Substantial payments have been paid.

1 4. Settlement discussions are now in progress with the
2 defendant.

3 5. It is requested that the Court continue the Case
4 Management Conference some sixty days hence.

5 6. Good cause exists to grant plaintiff's request for a
6 continuance of the Case Management Conference currently set for
7 October 10, 2007 to December 12, 2006 to allow the parties time to
8 settle this case and avoid any unnecessary burden to the Court.

9 I declare under penalty of perjury that the foregoing is
10 true and correct to the best of my knowledge.

11 Executed on October 4, 2007 at San Francisco, California.

/s/ Michael J. Carroll
Michael J. Carroll

1 PROOF OF SERVICE BY MAIL

2 I am a citizen of the United States and employed in the City and
3 County of San Francisco, California. I am over the age of eighteen
4 years and not a party to the within above entitled action; my business
5 address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104.
6 On October 4, 2007 I served the within **DECLARATION OF ATTORNEY MICHAEL**
7 **J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER**
8 **TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said
9 action, by placing a true copy thereof enclosed in a sealed envelope
10 with postage thereon fully prepaid, in the United States post office
11 mail box at San Francisco, California, addressed as follows:

12 Bevil's Floor Service, Inc.
13 533 Burke Street
14 San Jose, CA 95112

15 I, SHARON EASTMAN, certify (or declare), under penalty of perjury that
16 the foregoing is true and correct.

17 Executed on October 4, 2007 at San Francisco, California.

18 /s/Sharon Eastman
19 Sharon Eastman

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